IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant:	)	Art Unit: 2188
Serial No.: 10/764,946	)	Examiner: Doan
Filed: January 26, 2004	)	HSJ920030237US1
For: **SYSTEM AND METHOD FOR SELECTING COMMAND FOR EXECUTION IN HDD BASED ON BENEFIT**	)	September 19, 2006 750 B STREET, Suite 3120 San Diego, CA 92101

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This Reply responds to the Examiner's Answer dated September 14, 2006. The Answer correctly notes that Clegg et al. discusses the advantages of writing sequential data records into a disk cylinder before moving to another cylinder and addressing read requests by linearly increasing block number, but continues to stumble into the *non-sequitur* that this means that Clegg et al. must not only calculate but also "use" a pipe length to calculate a throughput benefit. The sequential data records that Clegg et al. teaches can be short, or long, or somewhere in between for all Clegg et al. cares. The point of Clegg et al. is that the records are sequential totally independent of their combined length. "Proximity" (Clegg et al.) does not equal "length" (Claim 1).

The examiner and now the conferees continue to refer to the present specification, which is not part of the prior art and which in any case does nothing for the examiner's case. That Appellant has taught that a "pipe" might be a string of sequential commands does not transform "proximity" into "length", much less

does it confer upon Clegg et al. a realization (never made by Clegg et al.) to calculate a benefit based on pipe length as recited in Claim 1. Without those transformations the rejections merit reversal.

Respectfully submitted,

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